

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 HANNAH HIRSCH ROSE, State Bar No. 56276
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5515
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-68

12 LINDA R. ANDERSON
13 813 Pollen Court, #B
14 Gardnerville, NV 89410

A C C U S A T I O N

15 Registered Nurse License No. 307979

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about September 30, 1979, the Board of Registered Nursing issued
23 Registered Nurse License Number 307979 to Linda R. Anderson (Respondent). The Registered
24 Nurse License is current and active and renewed to May 31, 2009.

25
26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2

3

STATUTORY PROVISIONS

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in relevant part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

7. Section 2762 of the Code states, in relevant part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish

1 or administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022.

4

5 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
6 request the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 9. Section 118, subdivision (b), of the Code provides that the expiration of a
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
11 period within which the license may be renewed, restored, reissued or reinstated.

12
13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Nevada Discipline)

15 10. Respondent is subject to disciplinary action under section 2761(a)(4) in
16 that on or about June 16, 2006, and effective on or about September 21, 2006, Respondent
17 entered into a Voluntary Surrender of License in Lieu of Other Disciplinary Action with the
18 Nevada State Board of Nursing. The circumstances are as follows:

19 11. On or about, June 16, 2006, and effective on or about September 21, 2006,
20 Respondent entered into a Voluntary Surrender of License in Lieu of Other Disciplinary Action
21 with the Nevada State Board of Nursing wherein Respondent admitted and it was found that the
22 Nevada State Board of Nursing could prove that Respondent had "...diverted drugs, including
23 needles/syringes from the Northern Nevada Correctional Center Regional Medical Facility while
24 ... [she] was employed at that facility as a Registered Nurse."

25
26 SECOND CAUSE FOR DISCIPLINE

27 (Unprofessional Conduct - Drug-Related Violation)

28 12. Respondent is subject to disciplinary action under section 2762(a) in that

1 she obtained or possessed in violation of law, a dangerous drug or dangerous device as defined in
2 Section 4022 as set forth above in paragraph 11.

3
4 PRAYER

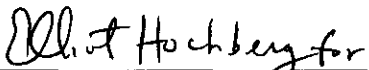
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 307979, issued
8 to Linda R. Anderson;

9 2. Ordering Linda R. Anderson to pay the Board of Registered Nursing the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.
13
14

15 DATED: 8/14/07
16

17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
24
25
26
27
28

03579110SF2007400292
40154151.wpd
HHR:7/3/07